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COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT

Tentative Notice of Action

"Promoting the wise use of land
Helping build great communities"

MEETING DATE February 4, 2005 LOCAL EFFECTIVE DATE February 18, 2005 APPROX FINAL EFFECTIVE DATE March 11, 2005	CONTACT/PHONE Ryan Hostetter 788-2351	APPLICANT James Lester	FILE NO. DRC2004-00095
SUBJECT Request by James Lester for a Minor Use Permit/Coastal Development Permit to allow a new 798 square foot single story secondary dwelling unit with attached 662 square foot garage and approximately 300 square feet of concrete patio area. The project will result in the disturbance of approximately 1,900 square feet of a one acre parcel. The proposed project is within the Residential Suburban land use category and is located at 2061 Tapidero Ave. in the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2004-00095 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption pursuant to CEQA guidelines section 15303 was issued on January 14, 2005 (ED04-313).			
LAND USE CATEGORY Residential Suburban	COMBINING DESIGNATION Local Coastal Program	ASSESSOR PARCEL NUMBER 074-353-019	SUPERVISOR DISTRICT(S) ① ② ③ ④ ⑤
PLANNING AREA STANDARDS: None <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
EXISTING USES: Residential Single Family			
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Suburban/ residences <i>East:</i> Residential Suburban/ residences <i>South:</i> Residential Suburban/ residences <i>West:</i> Residential Suburban/ residences			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, South Bay Fire, and the California Coastal Commission			
TOPOGRAPHY: Mostly level		VEGETATION: Grasses	
PROPOSED SERVICES: Water supply: Individual Well Sewage Disposal: Individual septic system Fire Protection: South Bay Fire		ACCEPTANCE DATE: December 2, 2004	

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PLANNING AREA STANDARDS:

No planning area standards apply to this project.

LAND USE ORDINANCE STANDARDS:

Section 23.07.120 - Local Coastal Program

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Section 23.01.043 - Appeals to the Coastal Commission

The project is appealable to the Coastal Commission because the use (secondary dwelling) is not a principally permitted use (an "S" use only).

Section 23.08.169 - Secondary Dwelling Units

Secondary dwelling units require that the owner live on-site, use a similar design style as the primary residence and the minimum access requirements. *The project complies with these standards as conditioned.*

Following is a table of other standards for secondary dwelling units:

Standard	Required	Proposed
Minimum Site Area	One Acre (43,560 square feet gross)	43,561square feet
Maximum Floor Area	800 square feet	798 square feet
Distance From Primary Dwelling Unit	50 feet	90 feet*
Required Parking (not including primary residence)	one off street space	Attached 662 square foot garage.

*An exception to the design standard will be part of the conditions of approval to allow a distance greater than 50 feet as allowed by 23.08.169.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies, the most relevant policies are discussed below.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the new secondary residence will be located on an existing lot of record in the Residential Suburban category on a slope less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because the project is required to have an erosion and sedimentation control plan and all slope and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the new residence will not increase erosion or runoff.

Visual and Scenic Resources:

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Policy 4: New Development in Rural Areas: *The proposed project is consistent with this policy because the residence will fit in with rural character of the area.*

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: No response has been received as of January 14, 2005

AGENCY REVIEW:

Public Works- Recommend approval

Los Osos Community Services District - "No comment" see referral dated November 15, 2004 in file
California Coastal Commission - No response received as of January 14, 2005

Staff report prepared by Ryan Hostetter reviewed by Matt Janssen.

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EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to an existing single family residence.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the single family residence does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the agricultural operation is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road (Los Osos Valley Road) constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The project site is not located between the ocean and the first public road. The project site is not located in an urban reserve. The project site is located over 3 miles from the coast, therefore the use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

Secondary Dwelling Adjustments

- H. Modification of the distance a secondary dwelling can be located from a primary dwelling is justified because there are specific conditions of the site that make the standard unnecessary. The septic system and leach lines for both primary and secondary residences reduce the area for the secondary residence. There are no adverse environmental effects by increasing the distance between the structures to over 50 feet.

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EXHIBIT B - CONDITIONS OF APPROVAL

Approved Development

1. This approval authorizes:
 - a. A 798 square foot secondary dwelling with a 662 square foot attached garage.
 - b. A distance greater than 50 feet (as required by 23.08.169) between the primary residence and the secondary residence (approximately 90 feet).
2. All development shall be consistent with the approved site plan, floor plan, and elevations.

Public Works

3. **Prior to issuance** of a building permit, the applicant meet all requirements of the County Public Works Department.

Fire Safety

4. **Prior to issuance** of a construction permit, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by South Bay Fire or CDF/County Fire.
5. **Prior to occupancy** or final inspection, which ever occurs first, the applicant shall obtain final inspection and approval from South Bay Fire or CDF/County Fire of all required fire/life safety measures.

Public Services (for on-site water and septic)

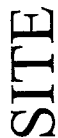
6. **Prior to issuance** of construction permits for the secondary residence, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
7. **Prior to issuance** of construction permit for the secondary residence, the applicant shall submit evidence that a septic system, adequate to serve the proposal, can be installed on the site.

Secondary Dwelling Agreement

8. No secondary dwelling shall be allowed on the site unless an owner of the site agrees to occupy one unit on the site as his or her primary residence. Prior to final inspection, the applicant for the second unit shall record a notice against the property notifying any subsequent purchaser that failure to meet this requirement will subject the second unit to abatement by the county pursuant to Chapter 23.10 of this title.

Miscellaneous

9. **Prior to issuance** of a construction permit, the applicant shall pay all applicable school and public facilities fees.
10. **Prior to occupancy** of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
11. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').



Vicinity Map



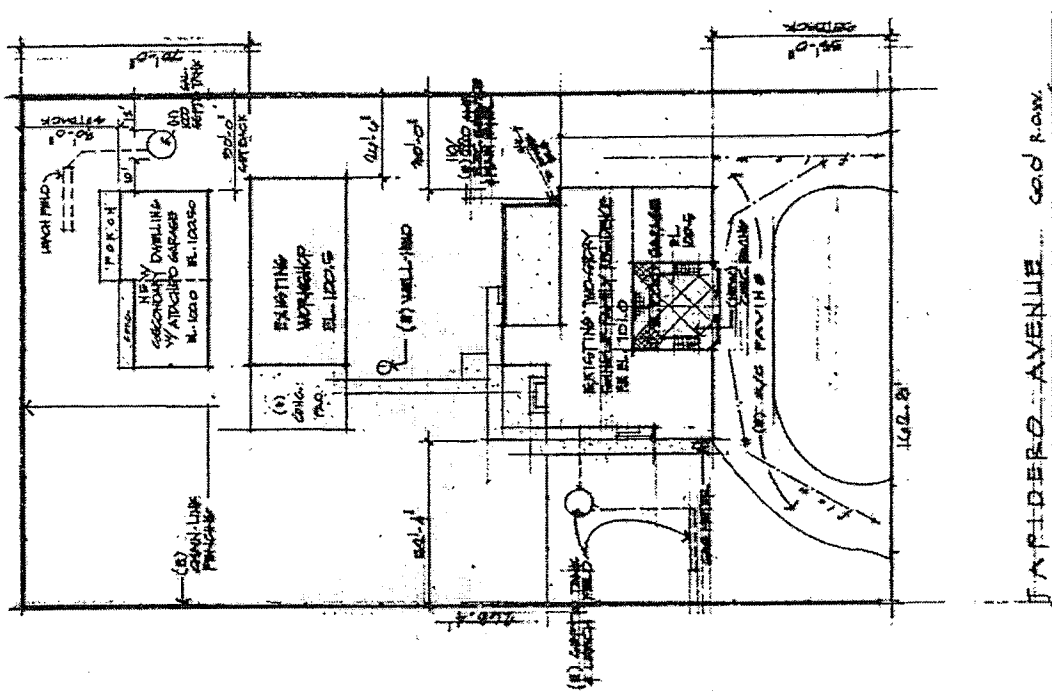
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SITE PLAN 11-20-08

Project
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Exhibit
Site Plan

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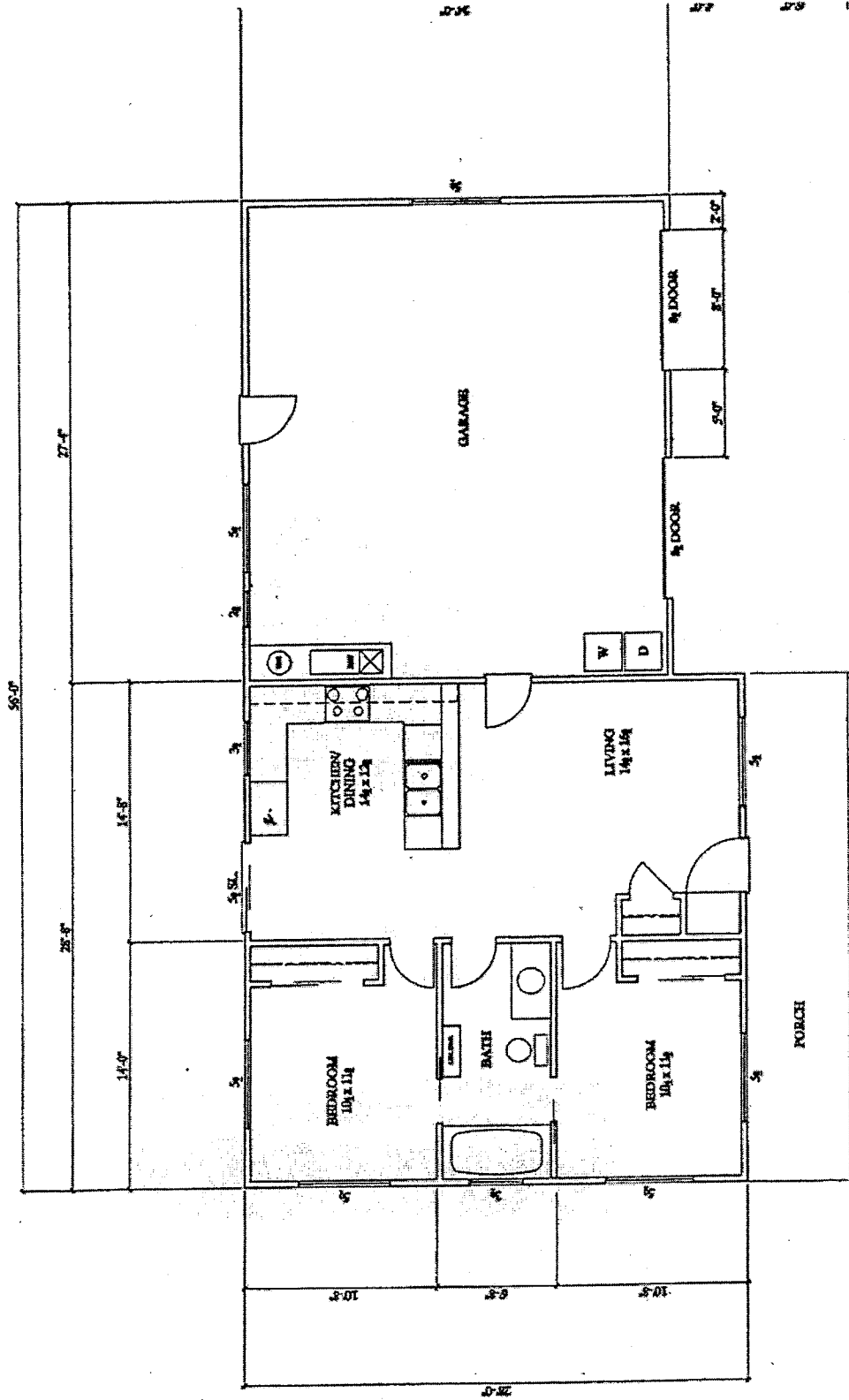
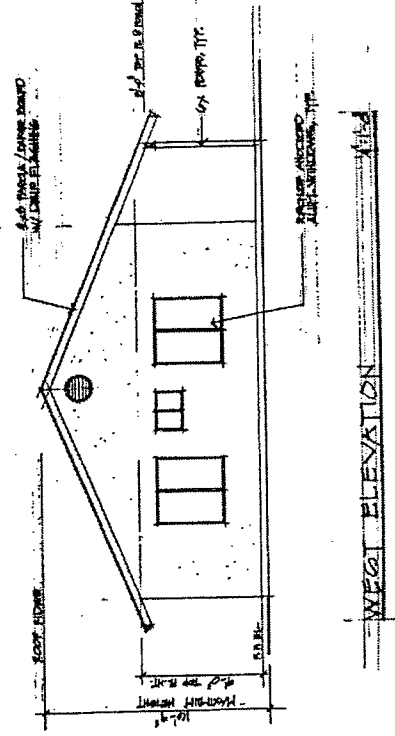
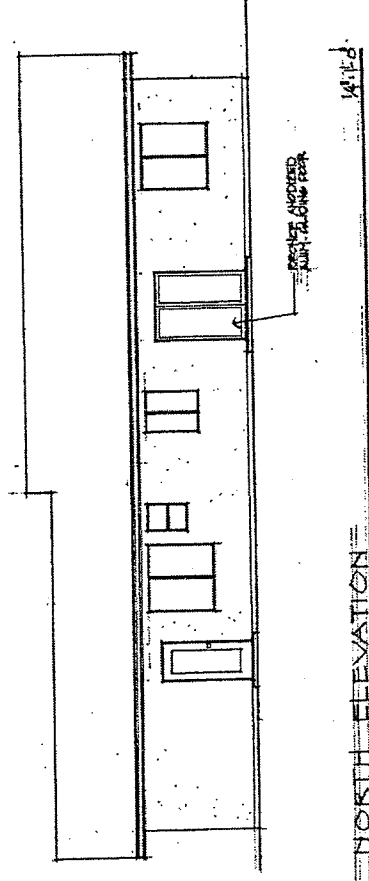
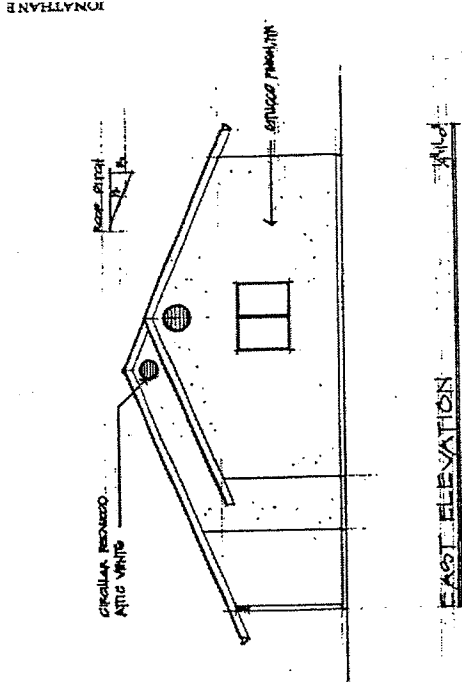
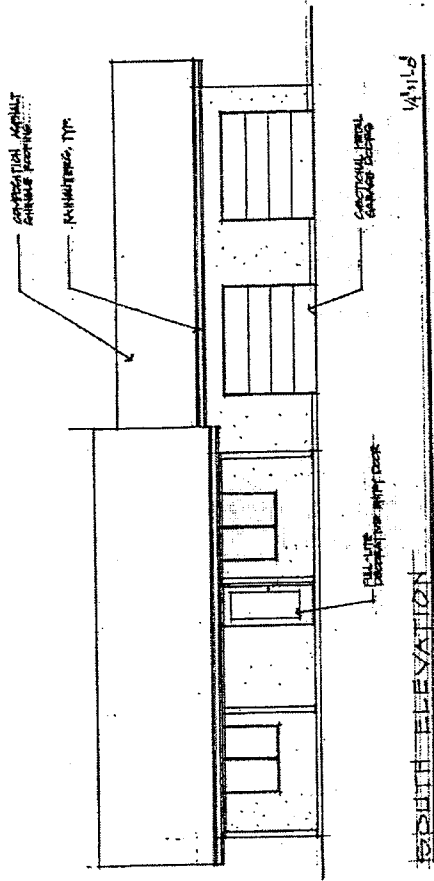


Exhibit
Floor Plan

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Exhibit
Proposed Elevations

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Exhibit
Photo - Area where proposed second residence will be located

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Exhibit

Photo – Area where proposed second residence will be located



Project

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Exhibit
Aerial Photo



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